Senate Bill No. 82–Senator Ratti

CHAPTER.....

AN ACT relating to the Charter of the City of Sparks; revising provisions relating to when the name of a candidate must appear on the ballot at a primary or general election; clarifying the date on which an elected officer enters office; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The existing Charter of the City of Sparks provides that, unless one candidate receives the majority of the votes at the primary election, the names of the two candidates who receive the highest number of votes at the primary election must be placed on the ballot for the general election. If a candidate receives the majority of the votes at the primary election, he or she must be declared elected at the primary election and no general election must be held for that office. (Sparks City Charter § 5.020) **Section 1** of this bill provides that: (1) if only one candidate files for nomination for an office, he or she must be declared elected and no election may be held for that office; (2) if not more than twice the number of candidates to be elected for an office file for nomination, the names of those candidates must be omitted from the ballots for the primary election and placed on the ballots for the general election; and (3) if more than twice the number of candidates to be elected for an office file for nomination, the names of the candidates must be placed on the ballot for the primary election. **Section 1** also provides that if no candidate receives a majority of the votes at the primary election, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general election.

Section 2 of this bill clarifies that an elected officer enters office at the first regular meeting of the City Council following the meeting at which the canvass of returns of the election is made.

EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 5.020 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 113, Statutes of Nevada 2017, at page 488, is hereby amended to read as follows:

Sec. 5.020 Primary elections.

1. At the primary election:

(a) Candidates for the offices of Mayor, City Attorney and Municipal Judge must be voted upon by the registered voters of the City at large.

(b) Candidates to represent a ward as a member of the City Council must be voted upon by the registered voters of the ward to be represented by them.

2. ~~[Except as otherwise provided in subsection 3, the names of the two candidates for Mayor, City Attorney and Municipal Judge and the names of the two candidates to represent the ward as a member of the City Council from each ward who receive the highest number of votes at the primary election must be placed on the ballot for the general election.]~~ ***If at 5 p.m. on the last day for filing a declaration of candidacy:***

(a) There is only one candidate who has filed for nomination for an office, that candidate must be declared elected to the office and no election may be held for that office.

(b) Except as otherwise provided in paragraph (a), not more than twice the number of candidates to be elected have filed for nomination for an office, the names of those candidates must be omitted from all ballots for a primary election and placed on all ballots for a general election.

(c) More than twice the number of candidates to be elected have filed for nomination for an office, the names of the candidates must be placed on the ballot for the primary election.

3. If at the primary election ~~[, regardless of the number of candidates for an office, one]~~ ***:***

(a) One candidate receives the majority of votes cast in ~~[that]~~ ***the*** election for the office for which he or she is a candidate, he or she must be declared elected to the office and no general election need be held for that office. ~~[Such candidate shall enter upon his or her respective duties at the first regular City Council meeting next succeeding the meeting at which the canvass of the returns of the general election is made.]~~

(b) No candidate receives the majority of votes cast in the election for the office for which he or she is a candidate, the names of the two candidates who receive the highest number of votes must be placed on the ballot for the general election.

Sec. 2. Section 5.100 of the Charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 113, Statutes of Nevada 2017, at page 488, is hereby amended to read as follows:

Sec. 5.100 Election returns: Canvass; certificates of election; entry of officers upon duties; tie vote procedure.

1. The election returns from any election must be filed with the City Clerk, who shall immediately place the returns in a safe or vault. No person may handle, inspect or in any manner interfere with the returns until canvassed by the City Council.

2. The City Council shall meet within the time set forth in NRS 293C.387 after any election and canvass the returns and declare the result. The election returns must then be sealed and kept by the City Clerk for 22 months, and no person may have access to them except on order of a court of competent jurisdiction or by order of the City Council.

3. The City Clerk, under his or her hand and official seal, shall issue a certificate of election to each person elected. ~~[Except as otherwise provided in subsection 3 of section 5.020, the]~~ ***The*** officers elected shall qualify and enter upon the discharge of their respective duties at the first regular City Council meeting ~~[following their election.]~~ ***next succeeding the meeting at which the canvass of the returns of the election is made.***

4. If any election results in a tie, the City Council shall summon the candidates who received the tie vote and determine the tie by lot. The City Clerk shall then issue to the winner a certificate of election.

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